



OFFICE *of* GOVERNMENT
INFORMATION SERVICES

Freedom of Information Act Advisory Committee

December 6, 2019



Past FOIA Advisory Committee Recommendations Update

Martha W. Murphy

Deputy Director

Office of Government Information Services



Recommendation #1

Recommendation

That the Chief FOIA Officers (CFO) Council establish a technology subcommittee, in partnership with the CIO Council, to study the use & deployment of FOIA technology across agencies & identify best practices & recommendations that can be implemented across agencies.

Status

Complete

The CFO Technology Subcommittee met throughout 2018-19 & is finalizing its report.



Recommendation #2

Recommendation

That OIP collect detailed information, as part of each agency's CFO Report, regarding the specific methods & technologies agencies use to search their electronic records, including email. Potential topics to be covered include agencies' procurement of technology, ability to search email, acquisition of e-discovery tools, & availability of information on agencies' websites that helps requesters understand the agencies' record keeping systems & be better able to submit targeted requests.

Status

Complete

OGIS published an issue assessment, "Leveraging Technology to Improve FOIA Searches," in July 2019 based on information gathered in the 2019 CFO Reports.



Recommendation #3

Recommendation

That a modification to the Federal Acquisition Regulation (FAR) require all agencies, when acquiring electronic records management software, electronic mail software, & other records-related information technology, consider features to help facilitate the agencies' responsibilities under FOIA to provide access to Federal agency records.

Status

In process

OGIS's draft business case is complete. Waiting for NARA's representative to the FAR to complete final revisions & submit to the FAR Council.



Recommendation #4

Recommendation

That an interagency effort be launched to develop standard requirements for FOIA processing tools to ensure that both the tools & their outputs are Section 508-compliant.

Status

OGIS anticipates that the work of the Technology Subcommittee of the CFO Council as well as our work on another recommendation writing a business case for including FOIA requirements in the Federal Acquisition Regulation (FAR) will cover some of the goals of this recommendation. OGIS also will continue to work with the current FOIA Advisory Committee for additional input on how to proceed.



Recommendation #5

Recommendation

That OGIS conduct an assessment of the methods undertaken by agencies to prepare documents for posting on agency FOIA reading rooms.

Status

OGIS Compliance Team is pleased to announce that OGIS staff member Christa Lemelin joined the Team.

Goal: Complete assessment in FY 2020



Recommendation #6

Recommendation

That OGIS be encouraged to highlight the issues with proactive disclosure & Section 508 compliance in its report to Congress by recommending that legislation be enacted to clarify agency requirements under the Rehabilitation Act, especially as they relate to proactive posting of large numbers of records.

Status

Complete

OGIS recommended to Congress in March 2019 that it provide agencies with sufficient resources to comply with requirements of both FOIA & Section 508 of the Rehabilitation Act.



Recommendation #7

Recommendation

That OGIS examine the use of appropriate performance standards in federal employee appraisal records & work plans to ensure compliance with the requirements of FOIA & submit the results of its assessment & any recommendations to Congress and the President.

Status

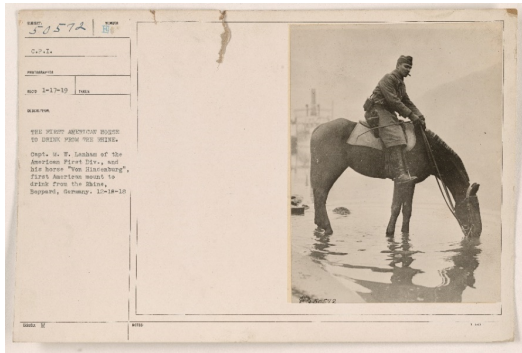
OGIS Compliance Team is pleased to announce a new staff member, Christa Lemelin.

Goal: Complete assessment in FY 2020

FOIA Fees (2014-2016 term)

Recommendation

That the Archivist recommend to the Office of Management and Budget (OMB) that it update its 1987 OMB Guidelines for FOIA Fees. [2016 *Final Report*]



Status

Complete

The Archivist sent a letter to OMB on August 26, 2016.

OGIS has forwarded a proposed red-lined version to OMB. Waiting its reply or action.



Time/Volume Subcommittee Report

Emily Creighton and Bradley White
Subcommittee Co-Chairpersons



Time/Volume Subcommittee Recommendation #1

That agencies conduct a comprehensive review of their technological and staffing capabilities and requirements to ensure that they have the resources necessary to respond to changing FOIA needs. This should include planning to address future increases in the number of FOIA requests received, as well as high-volume e-discovery style document reviews.



Time/Volume Subcommittee Recommendation #2

That agencies periodically review their FOIA SOP, or create one if necessary, to ensure that the process for receiving and logging-in FOIA requests, and the process for searching for, processing, and reviewing records are efficient. The SOP should accurately reflect current agency practices and technology used, should be updated at least every two years, and should be publicly available on the agency's website.



Time/Volume Subcommittee Recommendation #3

That agencies provide regular training for all staff, including FOIA professionals, subject matter experts, technology professionals, and management/supervisors, responsible for implementing FOIA as a part of the agency's FOIA procedures in order to enable staff to properly and efficiently process FOIA requests.



Time/Volume Subcommittee Recommendation #4

That agencies identify common types of documents requested as part of FOIA and establish alternative processes for providing these documents to requesters on terms equal to or better than FOIA.



Time/Volume Subcommittee Recommendation #5

That agencies utilize existing statutory provisions that allow for the dissemination of information outside of the FOIA and ensure that the programs that provide such information dissemination are robust. Consistent with the OMB/NARA Memorandum M-19-21 which requires all federal agencies to digitize their records by December 31, 2022, agencies should provide this information electronically, developing online databases where members of the public may access commonly requested (via the FOIA or alternative statutory provisions) types of documents that go to the heart of the agency's mission, and providing secure online databases where that information contains personally identifiable information or other sensitive information.



Vision Subcommittee Report

Joan Kaminer and Chris Knox
Subcommittee Co-Chairpersons



Time/Volume Subcommittee Recommendation #6

That agency transparency be enhanced by providing, on the agency website, contact information for a FOIA Point of Contact, who may or may not be the Public FOIA Liaison; Commonly Asked Questions that include an explanation of the types of records maintained by the agency; and the estimated processing timeframes for simple and complex requests.



Records Management Subcommittee Report

Jason R. Baron and Ryan Law
Subcommittee Co-Chairpersons



Records Management Subcommittee Recommendation #8

We recommend that the Archivist of the United States request that NARA/OGIS and DOJ/OIP work together to encourage agencies to work towards the goal of collecting, describing, and giving access to FOIA-released records in one or more central repositories in standardized ways, in addition to providing access on agency websites.



Records Management Subcommittee Recommendation #9

We recommend that the Archivist of the United States request NARA/OGIS and DOJ/OIP to together encourage agencies to release FOIA documents to the public on their FOIA Websites and in FOIA portals in both human-readable and machine-actionable formats, to the extent feasible.



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